

IN RE: PETITION FOR ZONING VARIANCE
W/S York Road opposite
Cinder Road
(2085 York Road)
8th Election District
3rd Councilmanic District
Nationwide Motor Sales, Inc.
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-437-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit other business signs totalling 168 sq.ft. in lieu of the maximum permitted 100 sq.ft. in accordance with Petitioner's Exhibit 1.

The Petitioners, by Kevin Schaefer, appeared, testified and were represented by Julius W. Lichter, Esquire. Also appearing on behalf of the Petition was Robert E. Nether, Sr.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the variance requested, as hereinafter modified, sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that to grant the relief would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, a variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of May, 1989 that the Petition for Zoning Variance

to permit other business signs totalling 168 sq.ft. in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioner may apply for its sign permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-0353
J. Robert Haines
Zoning Commissioner

May 11, 1989



Julius W. Lichter, Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
W/S York Road opposite Cinder Road
(2085 York Road)
8th Election District - 3rd Councilmanic District
Nationwide Motor Sales, Inc. - Petitioners
Case No. 89-437-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-437-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.2 (f) of the Baltimore County Zoning Regulations to allow a total of 168 square feet for other Business signs in lieu of the 100 square feet allowed.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

- Existing sign erected pursuant to appropriate permits.
- Proposed sign is required as a condition of a franchise agreement with the automobile manufacturer.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Julius W. Lichter

(Type or Print Name)

Signature

Address

Towson, MD 21204

City and State

Attorney's Telephone No.:

301-321-0600

Legal Owner(s):

Nationwide Motor Sales, Inc.

(Type or Print Name)

Signature William Schaefer, Jr. Pres.

(Type or Print Name)

Signature

Address

2085 York Road

City and State

Lutherville, MD 21093

Address

2085 York Road

City and State

Lutherville, MD 21093

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Julius W. Lichter, Esq.

Name

Address

305 W. Chesapeake Ave.

City and State

Towson, MD 21204

Address

301-321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

of March 1989, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out Baltimore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 5th day of May, 1989, at 9:30 o'clock

A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County.

(over)

DESCRIPTION FOR PETITION FOR SIGN VARIANCE IN A B. R. ZONE
LOCATED 2070 YORK ROAD, 8TH ELECTION DISTRICT, BALTIMORE
COUNTY, MARYLAND.

Beginning for the same at a point distant the two following courses and distances from the intersection formed by the center line of Cinder Road (40 foot Right of Way) and the center line of York Road (80' Right of Way) 1.) N 18° 44' 34" W 8' 2.) S 71° 15' 26" W 40' to the West side of said York Road thence running along the west side of said Road S 18° 44' 34" E 190.00 feet, thence S 70° 06' 45" W 194.00 feet, thence N 18° 44' 34" W 190.00 feet, thence N 70° 06' 45" E 194.00 feet to the place of beginning. Containing 0.85 acres of land more or less:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Date of Posting: 4/16/89
Petitioner: Nationwide Motor Sales, Inc.
Location of property: 2085 York Rd., opposite Cinder Rd.
Location of Sign: 2085 York Rd., opposite Cinder Rd.
Remarks: 1 sign
Posted by: J. Robert Haines
Number of Signs: 1

LAW OFFICES
LEVIN, GANN & HANKIN
A PROFESSIONAL ASSOCIATION
305 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
301-321-0600
FAX 301-321-0600
FAX 301-296-2801

February 17, 1989

J. Robert Haines, Zoning Commissioner
Baltimore County Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

RE: Conditional Sign Permit - Nationwide Motors

Dear Commissioner Haines:

When you and I spoke earlier this week regarding a conditional sign permit for a second sign on property of Nationwide Motors, you indicated that we must first file a Petition for Variance. You indicated at that time that I should file a request for the conditional permit at the same time or subsequent to the filing of the Petition.

I have filed the Petition for Variance with Mr. John Sullivan of your office at 11:00 a.m. this date. Enclosed, please find the sign permit and associated documents. It is imperative to protect our franchise agreement that the sign requested be installed not later than February 28, 1989. We understand fully that any such installation is subject to the outcome of the Variance hearing.

I would appreciate it if you would sign promptly the enclosed permit and notify me immediately so that I may call the sign company for their further processing. Should you need any additional information, please do not hesitate to contact me.

Very truly yours,
Howard L. Alderman, Jr.

cc: Mr. William Schaefer, Jr., Pres

Item No. 349

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Julius W. Lichter
Kevin Schaefer
Robert E. Nether, Sr.

ADDRESS

305 W. CHESAPEAKE AVENUE
2085 YORK RD 21093
1608 Cherry Hill Rd Bldg. 21200

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 6, 1989.

TOWSON TIMES.

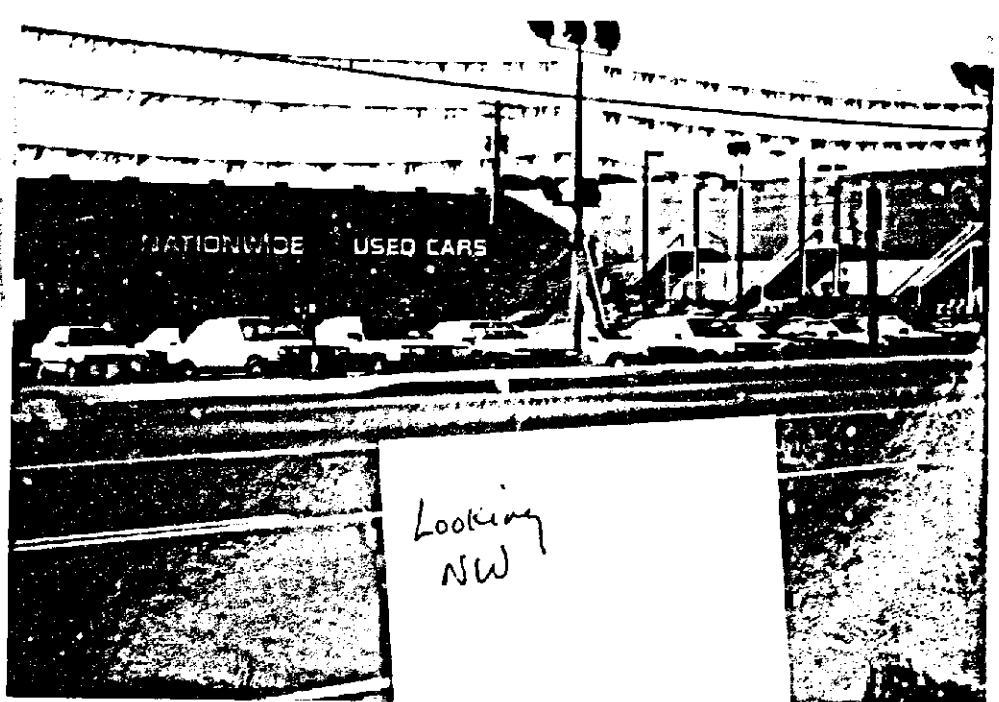
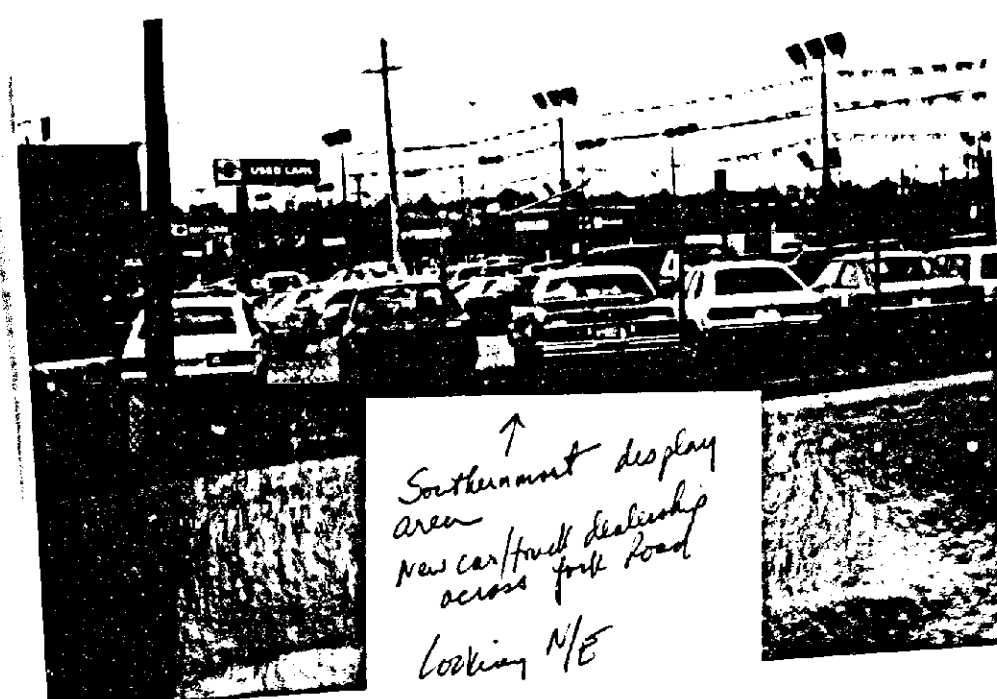
S. Zabe Orlean
Publisher

PO 10931

NY 127134

795.29

PETITIONER(S) EXHIBIT (2)



CERTIFICATE OF PUBLICATION

TOWSON, MD., April 6, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., in each of 1 successive weeks, the first publication appearing on April 6, 1989.

THE JEFFERSONIAN,

S. Zebe Olson

Publisher

PO 10931
reg M27134

89-437-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
1st day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: William Schaefer, Jr. Received by: James E. Dyer
Petitioner's Attorney: Julius W. Lichter, Esquire Chairman, Zoning Plans Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Nationwide Motor Sales, Inc.
2085 York Road
Lutherville, Maryland 21093

ATTN: WILLIAM SCHAEFER, JR.

Re: Petition for Zoning Variance
CASE NUMBER: 89-437-A
US York, opposite Cinder Road
2085 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Nationwide Motor Sales, Inc.
HEARING SCHEDULED: FRIDAY, MAY 5, 1989 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$110.29 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above fee for each such set not returned.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 657693

DATE 3/5/89 ACCOUNT RO-615-000

AMOUNT \$ 110.29

RECEIVED FROM Nationwide Motor Sales

FOR: P.A. 3/5/89 Hearing 89-437-A

8 817*****1102938-0001F

VALIDATION OR SIGNATURE OF CASHIER
WHITE: CASHIER PINK: AGENCY YELLOW: CUSTOMER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

March 20, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-437-A
US York, opposite Cinder Road
2085 York Road
8th Election District - 3rd Councilmanic
Petitioner(s): Nationwide Motor Sales, Inc.
HEARING SCHEDULED: FRIDAY, MAY 5, 1989 at 9:30 a.m.

Variance to allow a total of 180 sq. ft. for other business signs in lieu of the 100 sq. ft. allowed.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Nationwide Motor Sales, Inc.
Julius W. Lichter, Esq.
File

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Julius W. Lichter, Esquire
Suite 113
305 W. Chesapeake Avenue
Towson, MD 21204

RE: Item No. 349, Case No. 89-437-A
Petitioner: William Schaefer, Jr., et al
Petition for Zoning Variance

Dear Mr. Lichter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

March 1, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Nationwide Motors Sales, Inc.
Zoning Meeting of 2-28-89
W/S York Road (MD 45)
Opposite Cinder Road
(Item #349)

Dear Mr. Haines:

After reviewing the submittal for a variance to allow a total of 180 square feet for other business signs in lieu of the 100 square feet allowed, we have the following comment.

We have forwarded this plan to our Highway Beautification Section, c/o Morris Stein (333-1642) for all comments relative to zoning.

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: M & H Development Engineers, Inc.
Mr. J. Ogle
Mr. M. Stein (w-attachment)

RECEIVED
MAR 6 1989

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: 5/5/89

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-437-A
Item No. 349

Re: Nationwide Motor Sales, Inc.

The Petitioner requests a variance to permit a total of 180 square feet of business signs in lieu of the permitted 100 square feet.

This office suggests that the proposed sign be erected on the existing pole.

A landscape plan is required for approval prior to the issuance of any building permits.

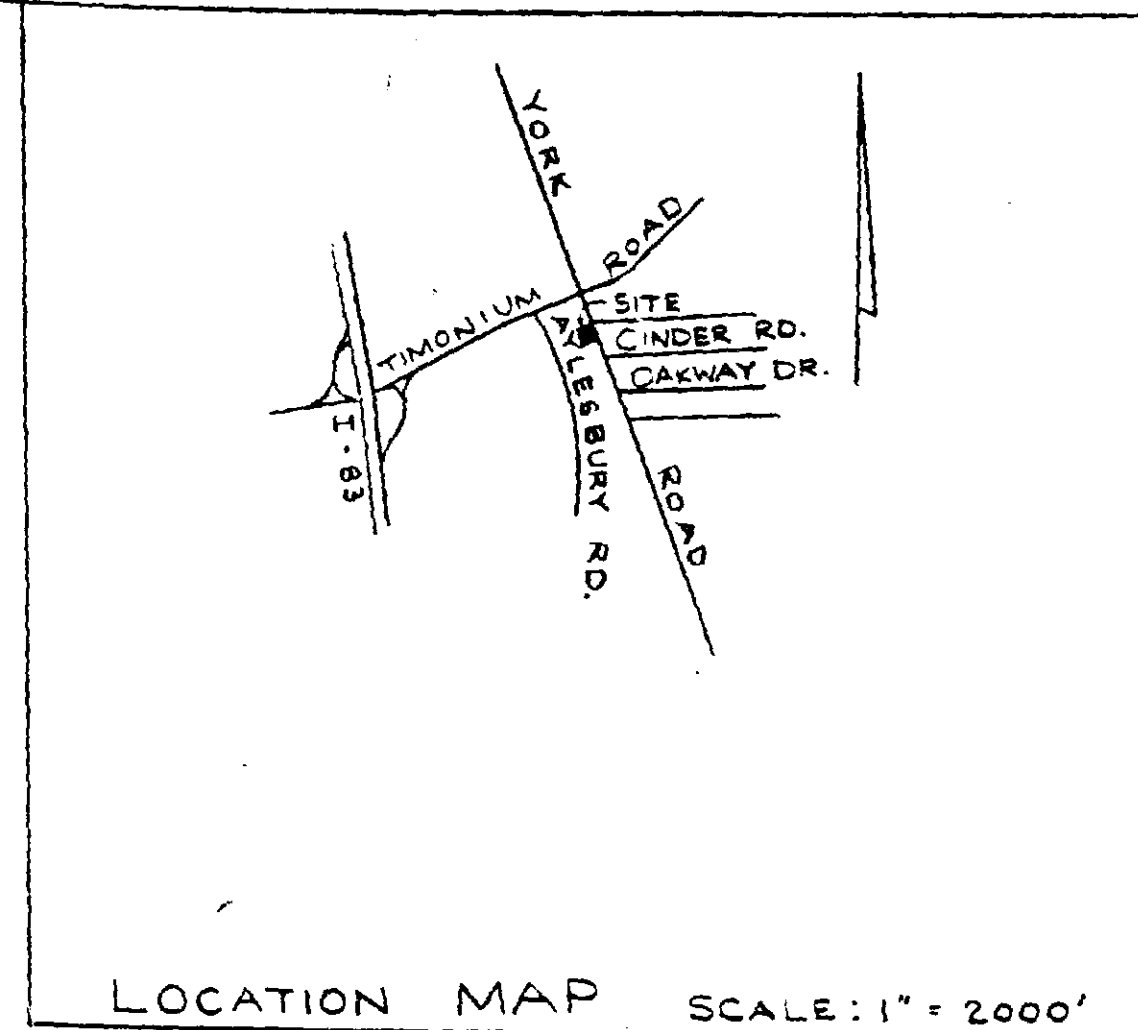
a:5589.txt Pg.3

RECEIVED
MAY 1 1989

ZONING OFFICE

My telephone number is (301) 333-1350

Telegrapher for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717



1. ZONING : BR
2. AREA : 0.85 AC. ±
3. EX. USE : USED CAR SALES
4. PARKING DATA
BLDG. AREA = 2500 S.F.
 $2500 / 200 = 13$ SP REQUIRED
13 SP. PROVIDED (1 HANDICAPPED)
5. 10 EMPLOYEE PARKING SPACES

PLAT TO ACCOMPANY PETITION FOR
SIGN VARIANCE
TOTAL SIGN AREA = 180 sq. ft.
#2070 YORK ROAD
8TH ELECT. DIST. BALTO. CO, MD.
SCALE: 1" = 30' JULY 22, 1987.
REVISED: FEB. 15, 1989

OWNER:
NATIONWIDE MOTOR SALES, INC.
2085 YORK ROAD.
LUTHERVILLE, MD. 21093

M. & H. DEVELOPMENT ENGINEERS, INC.
200 EAST JOPPA ROAD
ROOM 101, SHELL BUILDING
TOWSON, MARYLAND 21204

#340

6467